

**Remarks**

Claims 108-171 are pending after entry of the September 19, 2003 Amendment. Claims 172-193 have been added. Claims 108, 137, 149, 154, 166 and 170 are the independent claims from the September 19, 2003 Amendment and claims 172, 186 and 190 are the additional independent claims.

In paragraph 8 and 9 of the Office Action, the Examiner rejects claims 1-73 and 78-89 under 35 USC §103(a) as being unpatentable over *Hendricks et al.* (USP 6,463,585) in view of *Labeeb et al.* (US Publication 2003/0093792). In paragraph 10 of the Office Action, the Examiner rejects claim 74 under 35 USC §103(a) as being unpatentable over *Hendricks et al.* in view of *Labeeb et al.* and *Hite et al.* (USP 6,002,393). In paragraph 11 of the Office Action, the Examiner rejects claims 75-77 and 90-107 under 35 USC §103(a) as being unpatentable over *Hendricks et al.* in view of *Labeeb et al.* and *Barton* (US Publication 2001/0049820). It is submitted that claims 172-193 are patentable over the cited references for at last the reasons described below.

Independent claim 172 is directed to a method for selecting targeted advertisements to a subscriber with video that the subscriber selected to receive from a video on demand system. The method includes selecting an on-demand video. Advertisement profiles are received. The advertisement profiles define criteria related to specific transactions of subscribers. The criteria includes presence of the specific transactions, absence of the specific transactions, or presence of a first subset of the specific transactions and absence of a second subset of the specific transactions. Targeted advertisements are selected by searching subscriber transaction data for the presence of the specific transactions, the absence of the specific transactions, or the presence of a first subset of the specific transactions and the absence of a second subset of the specific transactions. The selected on-demand video and the targeted advertisements are delivered to the subscriber.

It is submitted that none of the cited references disclose or suggest a method as recited in independent claim 172. For example, none of the cited references disclose or suggest

advertisement profiles that define criteria related to specific transactions of subscribers (e.g., presence of the specific transactions, absence of the specific transactions, or presence of a first subset of the specific transactions and absence of a second subset of specific transactions), or selecting targeted advertisements by searching subscriber transaction data for the presence of the specific transactions, the absence of the specific transactions, or the presence of a first subset of the specific transactions and the absence of a second subset of specific transactions. In fact, on page 5 of the Office Action, the Examiner states that *Hendricks et al.* do not disclose "the advertisement profile define traits for an intended target market of the associated advertisement, wherein the intended target market traits include presence or absence of specific transactions; searching associated subscriber transaction data for the presence or absence of the specific transactions defined in the intended target market traits".

The Examiner relies on *Labeeb et al.* for teaching "wherein the intended target market traits include presence or absence of specific transactions, and searching associated subscriber transaction data for the presence or absence of the specific transactions defined in the intended target market traits (see paragraph 0233, line 6+)". The Applicant contends that the Examiners assertion is erroneous as this section of *Labeeb et al.* do not disclose or suggest these features. To the contrary, this section defines generating viewing profiles based on the monitored viewing selections of various users. Based on these viewing profiles the system generates top ten lists. There is clearly no disclosure or suggestion in this section of *Labeeb et al.* of criteria related to specific transactions, or selecting targeted advertisements by searching the subscriber transaction data for the specific transactions, as required by claim 172. Moreover, it is submitted that neither the remainder of *Labeeb et al.*, *Hite et al.* nor *Barton* disclose or suggest these features.

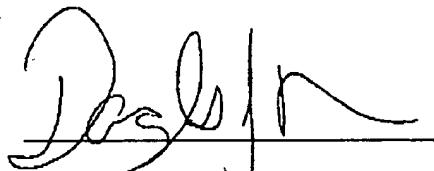
For at least the reasons discussed above, it is submitted that claim 172 is patentable over the cited references. Claims 173-185 depend from claim 172 and are submitted to be patentable for at least the reasons described above with respect to claim 172 and for the further features recited therein. Independent claims 186 and 190 are system and computer program claims respectively. These claims are submitted to be patentable over the cited references for at least reasons similar to those advanced above with respect to claim 172. Claims 187-189 and 191-193 depend therefrom and are submitted to be patentable over the cited references for at least the same reasons as the claims they depend from and for the further features recited therein. Accordingly it is submitted that claims 172-193 are patentable over the art of record.

**Conclusion**

For the foregoing reasons, Applicant respectfully submits that claims 172-193 (in addition to 108-171 from September 19, 2003 Amendment) are in condition for allowance. Accordingly, early allowance of claims 108-193 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,



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